

House File 2455

HOUSE FILE _____
BY COMMITTEE ON HUMAN RESOURCES
(SUCCESSOR TO HF 2188)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing marriage and domestic relations requirements
2 and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 1 Section 1. Section 331.605, subsection 6, Code 2003, is
2 amended to read as follows:
3 6. For filing an application for the license to marry,
4 thirty-five dollars, which includes payment for one certified
5 copy of the original certificate of marriage, to be issued
6 following filing of the original certificate of marriage, four
7 dollars of which shall be retained by the county pursuant to
8 subsection 5. For issuing an application for an order of the
9 district court authorizing the validation of a license to
10 marry before the expiration of ~~three~~ the number of days
11 specified in section 595.4, from the date of issuance of the
12 license, five dollars. The district court shall authorize the
13 early validation of a marriage license without the payment of
14 any fees imposed in this subsection upon showing that the
15 applicant is unable to pay the fees.
16 Sec. 2. NEW SECTION. 595.3B APPLICATION == PREMARITAL
17 EDUCATION.
18 1. An application form for a marriage license shall have
19 attached a certificate form to be used by the parties to
20 document completion of premarital education by the parties.
21 The certificate shall be completed by the parties and signed
22 by the person who provided the premarital education. The
23 certificate shall be filed with the verified application in
24 accordance with section 595.4. The certificate form shall
25 require provision of all of the following information:
26 a. The name of the person providing the premarital
27 education and the person's signature verifying completion of
28 the premarital education by the parties.
29 b. The number of hours of premarital education completed.
30 2. Only premarital education provided by the following
31 persons shall be accepted to document completion under this
32 section:
33 a. A person ordained or designated as a leader of a
34 party's religious faith or the person's designee.
35 b. A person licensed to practice psychology pursuant to
36 chapter 154B.
37 c. A person licensed to practice social work as a licensed
38 master social worker or a licensed independent social worker
39 pursuant to chapter 154C.
40 d. A person licensed to practice marital and family
41 therapy or mental health counseling pursuant to chapter 154D.
42 e. An advanced registered nurse practitioner licensed
43 pursuant to chapter 152 who specializes in adult psychiatric
44 services.
45 Sec. 3. Section 595.4, Code 2003, is amended to read as
46 follows:
47 595.4 AGE AND QUALIFICATION == VERIFIED APPLICATION ==
48 WAITING PERIOD == ~~EXCEPTION~~ EXCEPTIONS.
49 1. ~~Previous~~ Prior to the issuance of any license to marry,
50 the parties desiring the license shall sign and file a
51 verified application with the county registrar which
52 application either may be mailed to the parties at their
53 request or may be signed by them at the office of the county
54 registrar in the county in which the license is to be issued.
55 The application shall include the social security number of
56 each applicant and shall set forth at least one affidavit of
57 some competent and disinterested person stating the facts as

2 23 to age and qualification of the parties. Upon the filing of
2 24 the application for a license to marry, the county registrar
2 25 shall file the application in a record kept for that purpose
2 26 and shall take all necessary steps to ensure the
2 27 confidentiality of the social security number of each
2 28 applicant. All information included on an application may be
2 29 provided as mutually agreed upon by the division of records
2 30 and statistics and the child support recovery unit, including
2 31 by automated exchange.

2 32 2. Upon receipt of a verified application, the county
2 33 registrar may issue the license ~~which shall not become valid~~
2 34 ~~until the expiration of three days after the date of issuance~~
2 35 ~~of the license~~. If the license has not been issued within six
3 1 months from the date of the application, the application is
3 2 void.

3 3 3. A license issued under subsection 2 shall become valid
3 4 as follows:

3 5 a. If the parties desiring the license have participated
3 6 in premarital education and submit documentation verifying
3 7 completion of premarital education in accordance with section
3 8 595.3B, the license shall become valid upon the expiration of
3 9 three days after the date of issuance of the license.

3 10 b. If the parties desiring the license have not
3 11 participated in premarital education or do not submit
3 12 documentation verifying completion of premarital education in
3 13 accordance with section 595.3B, the license shall not become
3 14 valid until the expiration of twenty days after the date of
3 15 issuance of the license.

3 16 4. A license to marry may be validated prior to the
3 17 expiration of ~~three~~ the number of days specified in subsection
3 18 3 from the date of issuance of the license in cases of
3 19 emergency or extraordinary circumstances. An order
3 20 authorizing the validation of a license may be granted by a
3 21 judge of the district court under conditions of emergency or
3 22 extraordinary circumstances upon application of the parties
3 23 filed with the county registrar. ~~No~~ An order may ~~shall not be~~
3 24 granted unless the parties have filed an application for a
3 25 marriage license in a county within the judicial district. An
3 26 application for an order shall be made on forms furnished by
3 27 the county registrar at the same time the application for the
3 28 license to marry is made. After examining the application for
3 29 the marriage license and issuing the license, the county
3 30 registrar shall refer the parties to a judge of the district
3 31 court for action on the application for an order authorizing
3 32 the validation of a marriage license prior to expiration of
3 33 ~~three~~ the number of days specified in subsection 3 from the
3 34 date of issuance of the license. The judge shall, if
3 35 satisfied as to the existence of an emergency or extraordinary
4 1 circumstances, grant an order authorizing the validation of a
4 2 license to marry prior to the expiration of ~~three~~ the number
4 3 of days specified in subsection 3 from the date of issuance of
4 4 the license to marry. The county registrar shall validate a
4 5 license to marry upon presentation by the parties of the order
4 6 authorizing a license to be validated. A fee of five dollars
4 7 shall be paid to the county registrar at the time the
4 8 application for the order is made, which fee is in addition to
4 9 the fee prescribed by law for the issuance of a marriage
4 10 license.

4 11 Sec. 4. NEW SECTION. 598.7B PARENTING PLANS.

4 12 1. Beginning October 1, 2004, the parties to a petition
4 13 for dissolution of marriage, annulment, or separate
4 14 maintenance that involves minor children or to an application
4 15 for a motion to modify an order involving custody or
4 16 visitation shall submit a proposed parenting plan, either
4 17 individually or jointly, within thirty days after the service
4 18 of process of the petition for dissolution of marriage,
4 19 annulment, or separate maintenance, or the application for a
4 20 motion to modify an order involving custody or visitation.
4 21 The proposed parenting plan shall specify the arrangements
4 22 that the party believes to be in the best interest of any
4 23 minor child and shall specify other details as required by
4 24 rules prescribed by the supreme court.

4 25 2. The supreme court shall prescribe rules no later than
4 26 September 1, 2004, establishing guidelines for a parenting
4 27 plan form which may be used by the parties in any dissolution
4 28 of marriage, annulment, legal separation, or modification
4 29 proceeding involving the issues of custody and visitation.
4 30 Beginning September 1, 2004, the clerk of the district court
4 31 shall furnish parenting plan forms to the parties in a
4 32 dissolution of marriage, annulment, or separate maintenance
4 33 action or modification proceeding involving custody or

4 34 visitation, without cost to the parties.

4 35 Sec. 5. EFFECTIVE DATE. The provision of the section of
5 1 this Act enacting section 598.7B that directs the supreme
5 2 court to prescribe rules regarding the guidelines for
5 3 parenting plans, being deemed of immediate importance, takes
5 4 effect upon enactment.

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